

From: [Upchurch, Jim -FS](#)
To: [Greczmiel, Horst](#)
Cc: [Blaine, Marjorie E SPL](#); [Brush, Jason](#); [Jean_Calhoun@fws.gov](#); [Tim Shannon \(tshannon@blm.gov\)](#)
Subject: Updated Notes from Rosemont Agency Meeting
Date: Friday, June 13, 2014 8:06:58 AM
Attachments: [All agency mtg Rosemont.docx](#)

Here are notes from meeting on Wednesday with Rosemont with updated attendance list. If any of you have corrections or additions let me know..thanks...Jim

Jim Upchurch

Forest Supervisor

Coronado National Forest

300 West Congress

Tucson, AZ 85701

Office: 520-388-8306

Cell: 5 (b) (6)

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

6/12/2014

Horst,

Here is update on our meeting with Rosemont yesterday. We had Jean Calhoun, Steve Spangle (USFWS), Marjorie Blaine (ACOE), Jason Brush, Carter Jessop, Kathleen Johnson, Jane Diamond (EPA), Tim Shannon (BLM) and myself (USFS) representing the federal agencies and Rosemont had Rod Pace, Jamie Sturgis and Kathy Arnold present at the meeting. We started the meeting indicating to Rosemont our desire to coordinate the various mitigation activities being proposed by Rosemont so that each of the agencies areas of responsibilities could be addressed in the most efficient manner. We went around to each agency to explain to Rosemont what the current status was in their process.

Marjorie Blaine, from COE

- Corp is requesting from Rosemont that if they wish to submit additional mitigation for the 404 permitting process that they do so within 30 days of this meeting. Corp is not requiring additional mitigation nor are they willing to sit down and negotiate what that mitigation might be.
- Time frame was important so that the Forest Service could move forward with their work on the Biological Assessment being prepared for the USFWS. If Rosemont needed to take longer to submit additional mitigation than it would prolong the BA work and any NEPA compliance that is required by the Forest Service.
- Rosemont brought forward their desire to submit State lands as part of their additional mitigation package and said that they would work out the ownership through the State of Arizona's land acquisition process after the permit was issued. They indicated that they would not begin any construction activities until the land purchase was completed.
- Corp explained that unless Rosemont had title or an option for the property and a complete mitigation package identified on specific parcels then the COE would not accept a speculative acquisition of lands.
- Rosemont felt that they were "in a box" without the opportunity to get mitigation credit for land parcels that they had been pursuing

Tim Shannon from BLM

- BLM would prefer to work within the context of the Biological Opinion and the Forest Service ROD to develop mitigation measures that have been proposed by Rosemont for BLM lands. Rosemont has been working on a separate MOU with the BLM for mitigation and the BLM told them that they would not pursue signing a separate MOU with Rosemont.
- Rosemont expressed concern on whether they would get sufficient "credit" from COE on their public interest determination if the mitigation on BLM lands were part of a larger mitigation package for the project rather than a separate agreement.
- COE indicated that although they would not get credit for specific mitigation that was required for other purposes that having a separate MOU would have little bearing on the public interest determination.

Jean Calhoun from USFWS

- process for moving forward for the re-initiation of consultation under ESA and the potential needs for further mitigation if needed. The need for a complete mitigation package from Rosemont prior to moving forward on the Biological Opinion to prevent the starts and stops and redoing of work that has happened in the past.

EPA (Jason and Kathleen)

- regarding the FEIS it was EPA's recommendation that new information should be put back out to the public for comment in a Supplemental FEIS, although it was still the Forest Service's discretion as to whether put it out as a supplemental, or identify changes in the final ROD and a Supplemental Information Report.
- They supported what COE had explained to Rosemont regarding the evaluation of State land acquisition for the 404 permit requirements.

Jim Upchurch from USFS

- explained FS role in working with the other agencies and need to coordinate NEPA and ESA efforts and what eventually goes into our final ROD.
- Federal agencies are working as a coordinated group to make the evaluation of their proposal as efficient as possible.
- Forest Service would not submit supplemental BA to USFWS until final mitigation package for ACOE was identified by Rosemont
- Additional need to identify further mitigation to address National Park Service air quality concerns.

Rosemont expressed their appreciation for having a meeting with all of the agencies present and indicated that they would get back with additional information after they have had time to digest what they have heard and examine other mitigation possibilities. They suggested a follow up meeting towards the end of June or first part of July however we did not schedule a date at this time.

Overarching message from the federal agencies: delaying the final mitigation package to ACOE, will delay Sec 7, and the final ROD. The BA can't move forward without final mitigation for 404.